THE HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

THE HON'BLE DR. JUSTICE G. YETHIRAJULU

WRIT APPEAL NO.1852 OF 2005

Date: 17.10.2005

Between:

The Registrar, Osmania University, Hyderabad & another

…. Appellants

and

DR.M. Inayath Ur Rahman & another … Respondents

THE HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

THE HON'BLE DR. JUSTICE G. YETHIRAJULU

WRIT APPEAL NO.1852 OF 2005

JUDGMENT: (per the Hon'ble Sri Justice B. Prakash Rao)

Heard the learned counsel on either side and at their request the main writ appeal itself is taken up for hearing and disposal.

This appeal is at the instance of the Osmania University, which seeks to assail the order, dated 01.04.2005, passed by the learned Single Judge in W.P.M.P.No.3679 of 2005 in W.P.No.15854 of 1999, wherein it is ordered that the first respondent herein is also entitled to all the benefits such as seniority, promotions and arrears of pay, to be drawn and paid on par with Mrs. Manisha Mukherjee.

Sri Deepak Bhattacharjee, the learned standing counsel appearing on behalf of the Osmania University, submits that having regard to the fact that the scope of the review application is limited, no such further directions could have been given.

Sri Md. Moin Ahmed Quadri, the learned counsel apparing for the contesting respondent, submits that in terms of the directions given by the learned Single Judge, orders have already been passed on 19.08.2005 re-designating the first respondent and having regard to the same, the very writ appeal itself has become infructuous. He further submits that in regard to the disentitlement of the first respondent for further promotion, it is the matter which has to be considered in accordance with law. It is also pointed out by the learned counsel that the first respondent has already filed a representation seeking further promotion.

Having perused the material available on record and having regard to the subsequent orders passed on 19.08.2005, it is left open to the University to

take appropriate decision in regard to the question as to the entitlement of the first respondent for further promotion, in view of the representation submitted by him. Therefore, it is not necessary to go into the merits of the case as such.

The writ appeal is accordingly disposed of, directing the appellants herein to dispose of the representation submitted by the first respondent and pass appropriate orders thereon, in regard to the entitlement of the first respondent for further promotion in accordance with law, irrespective of the observations made by this Court in any of the proceedings.

It is needless to mention that in the event of any adverse orders being passed, it is open for the first respondent to make a fresh challenge by initiating appropriate proceedings. There shall be no order as to costs.

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(B.PRAKASH RAO.J)

(DR.G.YETHIRAJULU.J)

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Dt.17.10.2005